

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.Nos.2230 and 2246 of 2017

COMMON ORDER:

These two Revision Petitions are filed assailing the orders dt.28-03-2017 in I.A.Nos.270 and 269 of 2017 in O.S.No.170 of 2006 on the file of the Senior Civil Judge, Tadepalligudem.

2. The said suit was filed by 1st respondent against the petitioners and other respondents as well as father of the petitioners for specific performance of agreement of sale dt.28-09-2005 allegedly executed by the father of the petitioners.

3. Written Statement was filed by the petitioners denying the execution of the agreement of sale.

4. Pending suit, father of the petitioners died. In view of the dispute as to the question whether the father of the petitioners had executed the said document, it was sent to an expert's opinion on thumb impression marks pursuant to an order passed in I.A.No.1328 of 2016. The expert, who is an employee of Forensic Science Laboratory, Hyderabad, gave an opinion that the thumb impressions on the agreement of sale were unfit for examination and returned the documents with his opinion.

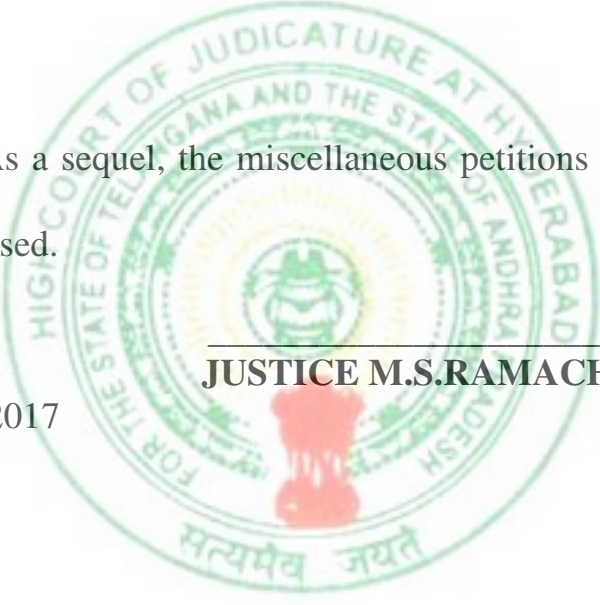
5. The petitioners then filed I.A.No.269 of 2017 to reopen the suit to examine the expert and to appoint practicing advocate-commissioner for examining him as a witness.

6. The Court below dismissed both the applications. It held that once the expert had given his opinion that the document is unfit for comparison, there is no necessity to examine the expert by the Commissioner and there is also no necessity to reopen the suit.

7. I agree with the said reasoning of the Court below. I am of the opinion that the Court below has not committed any error of jurisdiction in rejecting the applications.

8. Accordingly, the Civil Revision Petitions are dismissed.
No costs.

9. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.



JUSTICE M.S.RAMACHANDRA RAO

Date: 28-04-2017
Kvr